



**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED  
UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)  
P-4438-US

First named inventor: **GILREATH, Mark G.**

Application No: **10/617,372**

Group Art Unit: **3737**

Filed: **July 11, 2003**

Examiner: **Not yet assigned**

Title: **DEVICE AND SYSTEM FOR IN-VIVO PROCEDURES**

Attention: Office of Petitions  
Mail Stop Petition  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

NOTE: If information or assistance is needed in completing this form, please contact Petitions  
Information at (703)305-9282

The above-identified application became abandoned for failure to file a timely and proper reply to a Notice to File Missing Parts of an application by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus an extension of time actually obtained.

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - - required for all utility and plant applications filed before June 8, 1995, and for all design applications; and
- (4) Statement that the entire delay was unintentional

**1. Petition fee**

☐ Small entity - fee \$ \_\_\_\_\_ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☒ Other than small entity - fee \$ **1370.00** (37 CFR 1.17(m))

**2. Reply and/or fee**

A. The reply and/or fee to the above-noted Office action in  
the form of **Response to Notice of Missing Application Parts** (identify type of reply):

- ☒ has been filed previously on **January 8, 2004**  
☒ is enclosed herewith.

B. The issue fee of \$ \_\_\_\_\_

- ☐ has been paid previously on \_\_\_\_\_  
☐ is enclosed herewith.

[Page 1 of 2]

Burden Hour Statement: This form is estimated to take 10 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231

11/05/2004 AWONDAF1 00000119 050649 10617372

03 FC:1453 1370.00 DA

3 Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming a period equivalent to the period of abandonment is enclosed herewith (see PTO/SB/63).

- 4 Statement. The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c)(III)(C) and (D))]

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2088.

2 November, 2004  
Date

Telephone  
Number: ( 212 ) 632-3480

  
Signature

Caleb Pollack 37,912  
Typed or printed name

Eitan, Pearl, Latzer & Cohen Zedek, LLP.  
Address  
10 Rockefeller Plaza, Suite 1001  
New York, New York 10020

- Enclosures: ☒ Fee Payment  
☒ Reply  
☐ Terminal Disclaimer Form  
☐ Small Entity Status Form  
☒ Communication  
☐ \_\_\_\_\_



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S): GILREATH, Mark G.  
et al. EXAMINER:

SERIAL NO.: 10/617,372 GROUP ART UNIT: 3737

FILED: July 11, 2003 ATTORNEY DOCKET No.: P-4438-US

FOR: DEVICE AND SYSTEM FOR IN-VIVO PROCEDURES

Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

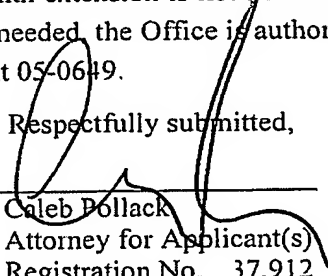
COMMUNICATION

Sir:

Applicant is attaching the Response to the Notice of Missing Parts as it was originally intended to be filed (it is believed that a clerical error prevented the papers from reaching the Office) with the Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 CFR 1.137(b). The attached Response includes a request for a one-month extension of time.

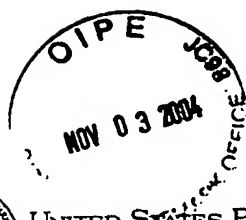
If the Office deems that the one-month extension is not needed, or if the Office deems that a larger extension of time fee is needed, the Office is authorized to deduct or credit the appropriate fees to deposit account 05-0649.

Respectfully submitted,

  
Caleb Pollack  
Attorney for Applicant(s)  
Registration No. 37,912

Dated: November 2, 2004

**Eitan, Pearl, Latzer & Cohen Zedek, LLP.**  
10 Rockefeller Plaza, Suite 1001  
New York, New York 10020  
Tel: (212) 632-3480  
Fax: (212) 632-3490



## UNITED STATES PATENT AND TRADEMARK OFFICE

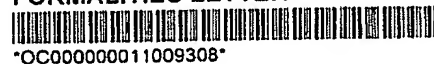
UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/617,372	07/11/2003	Mark G Gilreath	P-4438-US

27130  
EITAN, PEARL, LATZER & COHEN ZEDEK LLP  
10 ROCKEFELLER PLAZA, SUITE 1001  
NEW YORK, NY 10020

CONFIRMATION NO. 2855

## FORMALITIES LETTER



\*OC000000011009308\*

Date Mailed: 10/09/2003

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

## Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 770 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).*
- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is \$900 for a Large Entity

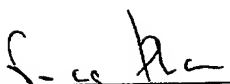
- \$770 Statutory basic filing fee.
- \$130 Late oath or declaration Surcharge

Replies should be mailed to: Mail Stop Missing Parts  
Commissioner for Patents  
P O Box 1450  
Alexandria VA 22313-1450

11/05/2004 AWONDAF1 00000119 050649 10617372

01 FC:1001 790.00 DA  
02 FC:1051 130.00 DA

*A copy of this notice MUST be returned with the reply.*

  
\_\_\_\_\_

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICANT(S): GILREATH, Mark G. et al.      EXAMINER:  
SERIAL NO.: 10/617,372      GROUP ART UNIT: 3737  
FILED: July 11, 2003      ATTORNEY DOCKET No.: P-4438-US  
FOR: DEVICE AND SYSTEM FOR IN-VIVO PROCEDURES

Mail Stop Missing Parts  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE TO NOTICE TO FILE MISSING PARTS OF APPLICATION AND  
PETITION FOR A ONE-MONTH EXTENSION OF TIME**

Sir:

In response to the Notice to File Missing Parts of Application under 37 CFR 1.53(b), mailed October 9, 2003 (a copy of which is enclosed), Applicant(s) submit herewith the following:

1. ☒ an executed Declaration and Power of Attorney making reference to the above-identified application, and in compliance with 37 C.F.R. 1.63;
2. ☐ Applicant(s) Claim Small Entity Status; and
3. ☐ a Preliminary Amendment.

A response was due December 9, 2003. Applicant(s) hereby petition for a ONE-month extension of time. Therefore, a response is now due on January 9, 2004. Accordingly, this Response and Petition are being timely filed.

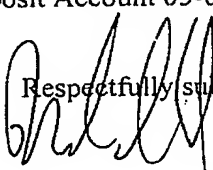
The Patent Office is hereby authorized to charge Deposit Account 05-0649 in the amount of \$900, covering the following:

APPLICANTS: GILREATH, Mark G. et al.  
SERIAL NO.: 10/617,372  
FILED: July 11, 2003  
Page 2

FEE CALCULATION				
<b>1. BASIC FILING FEE</b>				
	Large Entity Fee	Small Entity Fee		
Utility	\$770	\$385		770
Provisional	\$160	\$80		0
<b>2. EXTRA CLAIM FEES</b>				
Total Claims	<input type="text"/>	-20 ** = <input type="text"/>	x <input type="text"/>	= <input type="text"/>
Independent Claims	<input type="text"/>	- 3 ** = <input type="text"/>	x <input type="text"/>	= <input type="text"/>
		Multiple Dependent	x <input type="text"/>	= <input type="text"/>
	Large Entity Fee	Small Entity Fee	Fee Description	
	\$18	\$9	Claims in excess of 20	
	\$86	\$43	Independent claims in excess of 3	
	\$290	\$145	Multiple dependent claim, if not paid	
				0
<b>3. Fee for Petition for Extension of Time</b>				
	Large Entity Fee	Small Entity Fee		
	\$110	\$55	Extension for reply within first Month	0
	\$420	\$210	Extension for reply within second Month	0
	\$950	\$475	Extension for reply within third Month	0
	\$1,480	\$740	Extension for reply within fourth Month	0
<b>4. Surcharge Fee Under 37 CFR 1.16(e) or 1.492(e)</b>				
	Large Entity Fee	Small Entity Fee		
Utility	\$130	\$65		130
<b>5. Surcharge Fee Under 37 CFR 1.16(l)</b>				
	Large Entity Fee	Small Entity Fee		
Provisional	\$50	\$25		0
<b>TOTAL</b>				900

If any additional fee is required, the undersigned attorney hereby authorizes the Patent Office to charge such additional fee to Deposit Account 05-0649.

Respectfully submitted,

  
Mark S. Cohen  
Attorney for Applicant(s)  
Registration No. 42,425

Dated: January 7, 2004

Eitan, Pearl, Latzer & Cohen Zedek, LLP.  
10 Rockefeller Plaza, Suite 1001  
New York, New York 10020  
Tel: (212) 632-3480  
Fax: (212) 632-3490



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
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 Alexandria, Virginia 22313-1450  
 www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/617,372	07/11/2003	Mark C Gilreath	P-4438-US

RECEIVED

CONFIRMATION NO. 2855

22 OCT 2004 ABANDONMENT/TERMINATION  
LETTER

\*OC000000014142363\*

27130  
 EITAN, PEARL, LATZER & COHEN ZEDEK LLP  
 10 ROCKEFELLER PLAZA, SUITE 1001  
 NEW YORK, NY 10020

Date Mailed: 10/20/2004

## NOTICE OF ABANDONMENT UNDER 37 CFR 1.53 (f) OR (g)

The above-identified application is abandoned for failure to timely or properly reply to the Notice to File Missing Parts (Notice) mailed on 10/09/2003.

- No reply was received.

A petition to the Commissioner under 37 CFR 1.137 may be filed requesting that the application be revived.

Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of **UNAVOIDABLE DELAY** must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by: (1) an adequate showing of the cause of unavoidable delay; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(l); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of **UNINTENTIONAL DELAY** must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by: (1) a statement that the entire delay was unintentional; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(m); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Any questions concerning petitions to revive should be directed to the "Office of Petitions" at (703) 305-9282. Petitions should be mailed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

*A copy of this notice **MUST** be returned with the reply.*

8136  
 Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY





NOV 03 2004  
UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
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P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/617,372	07/11/2003	Mark G. Gilreath	P-4438-US

CONFIRMATION NO. 2855

ABANDONMENT/TERMINATION  
LETTER



\*OC000000014142363\*

27130  
EITAN, PEARL, LATZER & COHEN ZEDEK LLP  
10 ROCKEFELLER PLAZA, SUITE 1001  
NEW YORK, NY 10020

Date Mailed: 10/20/2004

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Any questions concerning petitions to revive should be directed to the "Office of Petitions" at (703) 305-9282. Petitions should be mailed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

*A copy of this notice **MUST** be returned with the reply.*

2132  
Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

## Notice of Abandonment

This application is abandoned in view of applicant's failure to timely file a proper reply to the Office notice mailed on 10-09-03

### Petition to Withdraw the Holding of Abandonment

If a complete reply to the notice was previously filed by applicant within the time period set forth in the notice, applicant may request for reconsideration of the holding of abandonment within 2 months from the mailing of this notice of abandonment by filing a petition to withdraw the holding of abandonment under 37 CFR 1.181(a). No petition fee is required. The petition must be accompanied by a true copy of the originally filed reply and the item(s) identified in one of the following:

1. A properly itemized date-stamped postcard receipt (see MPEP § 503);
2. If the originally filed reply included a certificate of mailing or transmission in compliance with 37 CFR 1.8(a), a copy of the certificate of mailing or transmission and a statement in compliance with 37 CFR 1.8(b) (see MPEP § 512); or
3. If the reply was filed via Express Mail, a submission satisfying the requirements of 37 CFR 1.10(e) including, for example, a copy of the Express Mail mailing label showing the "date-in" (see MPEP § 513).

Any petition to withdraw the holding of abandonment should be transmitted by facsimile directly to OIPE Customer Service at (703) 308-7751.

### Petition to Revive an Abandoned Application

If applicant did not previously file a complete reply within the time period set forth in the notice, applicant may file a petition to revive the application under 37 CFR 1.137.

Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of UNAVOIDABLE DELAY must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by:

1. an adequate showing of the cause of unavoidable delay;
2. the required reply to the above-identified notice;
3. the petition fee set forth in 37 CFR 1.17(i); and
4. a terminal disclaimer if required by 37 CFR 1.137(d).

See MPEP § 711.03(c) and Form PTO/SB/61.

Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of UNINTENTIONAL DELAY must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by:

1. a statement that the entire delay was unintentional;
2. the required reply to the above-identified notice;
3. the petition fee set forth in 37 CFR 1.17(m); and
4. a terminal disclaimer if required by 37 CFR 1.137(d).

See MPEP § 711.03(c) and Form PTO/SB/64.

Any questions concerning petitions to revive should be directed to Office of Petitions at (703) 305-9282.

Any questions regarding this notice should be directed to OIPE Customer Service at (703) 308-1202.

Customer Service Center  
Initial Patent Examination Division (703) 308-1202



## DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below under my name.

I believe that I am the original and first sole inventor or an original and first joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled:

### DEVICE AND SYSTEM FOR IN-VIVO PROCEDURES

the Specification of which

☐ is attached hereto  
☒ was filed on **January 11, 2002**  
as United States Application Number or PCT International  
Application No. **PCT/IL02/00026**  
and was amended on \_\_\_\_\_ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified Specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, 1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any provisional application filed in the United States in accordance with 35 U.S.C. §1.119(e), or any application for patent that has been converted to a Provisional Application within one (1) year of its filing date, or any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed.

### PRIOR FILED APPLICATION(S)

<u>APPLICATION NUMBER</u>	<u>COUNTRY</u>	<u>(DAY/MONTH/YEAR FILED)</u>	<u>PRIORITY CLAIMED</u>
60/260,645	US	11 JANUARY 2001	YES
60/260,646	US	11 JANUARY 2001	YES
60/307,040	US	23 JULY 2001	YES
60/312,081	US	15 AUGUST 2001	YES
PCT/IL02/00026	PCT	11 JANUARY 2002	YES

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application listed below, and, insofar as the subject matter of each of the claims of this application is not disclosed in any prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose

9.DEC.2003 15:59

GIVEN IMAGING

Attorney Docket No.: P-4438-US

material information as defined in Title 37, Code of Federal Regulations, §1.56(a), which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

APPLICATION  
NO.FILING DATE  
(DAY/MONTH/YEAR)STATUS - PATENTED,  
PENDING, ABANDONED

I hereby appoint as my attorney(s) and agent(s) Mark S. Cohen (Attorney, Registration No. 42,425) or Caleb Pollack (Attorney, Registration No. 37,912) or Vladimir Sherman (Attorney, Registration No. 43,116) or Guy Yonay (Attorney, Registration No. 52,388) said attorney(s) and agent(s) with full power of substitution and revocation to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

Please address all correspondence regarding this application to:

BITAN, PEARL, LATZER & COHEN ZEDEK, LLP.  
10 ROCKEFELLER PLAZA  
SUITE 1001  
NEW YORK, NEW YORK 10020

Direct all telephone calls to (212) 632-3480 and all facsimiles at (212) 632-3490.  
Customer No. 27130

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

FULL NAME OF INVENTOR:

GILREATH, Mark G.

FULL RESIDENCE ADDRESS:

8835 Appling Ridge, Cumming, GA  
30041, USA

COUNTRY OF CITIZENSHIP:

USA

FULL POST OFFICE ADDRESS:

same

SIGNATURE OF INVENTOR

DATE 09 DEC 2003

09/12 10.DEC.2003 10:49

GIVEN IMAGING  
GIVEN IMAGING

NO.343 P.3  
NO.331 P.6

9.DEC.2003 15:58

Attorney Docket No.: P-4438-US

FULL NAME OF INVENTOR:

MERON, Gavriel

FULL RESIDENCE ADDRESS:

21 Weizmann Street, Kfar-Ganim,  
Petach Tikva 49556, Israel

COUNTRY OF CITIZENSHIP:

Israel

FULL POST OFFICE ADDRESS:

same

SIGNATURE OF INVENTOR

DATE DEC 9 2003

BEST AVAILABLE COPY